

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DEBRA PLACETTE aka §
DEBRA INNOCENTI §
Plaintiff, §
v. § CIVIL ACTION NO. 21-CV-01130-FB
CITIMORTGAGE, INC. and CENLAR FSB §
Defendants. §

DEFENDANTS' UNOPPOSED MOTION TO DISMISS

Defendants, CITIMORTGAGE, Inc. (“CitiMortgage”) and CENLAR FSB (“Cenlar”) (collectively, “Defendants”), respectfully move for the entry of an order dismissing Plaintiff’s Original Petition, Application for Temporary Restraining Order, and Application for Temporary Injunction without prejudice.

1. Defendants filed a notice of removal, removing this case from state court to this Court. (D.E. 1).
2. After serving Plaintiff with the notice of removal, Plaintiff informed Defendants that he had nonsuited the state court case a few hours before the notice of removal was filed. A true and correct copy of the Nonsuit is attached hereto as Exhibit A.
3. Because the Nonsuit was effective upon filing, there was no active case to remove to federal court.
4. The undersigned has conferred with Plaintiff’s counsel regarding this motion and Plaintiff is unopposed. Plaintiff’s counsel has applied for admission in the Western District but the application is still pending; therefore, this dismissal is being sought as an unopposed motion rather than as a joint stipulation of dismissal.
5. Defendants request that this case be dismissed without prejudice and closed.

WHEREFORE, for the foregoing reasons, Defendants, CITIMORTGAGE, Inc. and CENLAR FSB, respectfully request that this Court dismiss Plaintiff's Complaint without prejudice, and grant any other and further relief as this Court deems just and proper.

Date: December 13, 2021.

Respectfully submitted,

By: /s/ Sabrina A. Neff
Sabrina A. Neff
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ATTORNEY FOR DEFENDANTS
CITIMORTGAGE, INC. and CENLAR FSB

CERTIFICATE OF CONFERENCE

The undersigned certifies that she conferred with Plaintiff's counsel, Brian Marks, via email on December 8, 2021 and via teleconference on December 13, 2021 regarding the relief requested herein. Plaintiff is unopposed.

By: /s/ Sabrina A. Neff
Sabrina A. Neff

CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Dismiss without Prejudice has been served upon the following on this 13th day of December, 2021:

Brian A. Marks *Via ECF: bamlawtx@gmail.com*
THE LAW OFFICE OF BRIAN A. MARKS, PLLC
2318 NW Military Hwy
San Antonio, Texas 78231

Counsel for Plaintiffs

By: /s/ Sabrina A. Neff
Sabrina A. Neff